

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, SEPTEMBER 28, 2015**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, September 28, 2015, with Councillor Lewis presiding.

Councillor Shreve led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Adamson recognized those in attendance from Noble of Indiana. Councillor Jackson recognized Rufus “Bud” Myers, Indianapolis Housing Agency. Councillor Scales recognized president of the Fraternal Order of Police (FOP) Rick Snyder. Councillor Osili recognized constituent Alex Gifford. Councillor Tew recognized Mike Terry of IndyGo. Councillor Oliver recognized Mike Reeves, president of Local 416 Firefighters Union.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

Journal of the City-County Council

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, September 28, 2015, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Maggie Lewis
President, City-County Council

September 14, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, September 16, 2015 a copy of a Notice of Public Hearing on Proposal Nos. 262-265, 278-282, 284, 285, 2015, said hearing to be held on Monday, September 28, 2015, at 7:00 p.m. in the City-County Building.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

September 21, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, September 23, 2015 a copy of a Notice of Public Hearing on Proposal No. 249, 2015, said hearing to be held on Monday, October 5, 2015, at 5:30 p.m. in the City-County Building, Room 260.

Respectfully,
s/NaTrina DeBow
Clerk of the City-County Council

September 25, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

FISCAL ORDINANCE NO. 32, 2015 – appropriates \$23,000 in the 2015 Budget of the Information Services Agency (Enhanced Access Fund) to cover costs associated with the public-facing access portal and virtual server for the City-County Council's new legislative management system

FISCAL ORDINANCE NO. 33, 2015 – approves a transfer of \$1,344,956 and additional appropriation of \$4,968,362 in the 2015 Budget of the Department of Public Works (Solid Waste Disposal and Collection Funds) to meet contractual obligations of a third party trash collection vendor and to obtain additional trash receptacles

GENERAL ORDINANCE NO. 54, 2015 – amends the Code regarding city-county holidays

GENERAL ORDINANCE NO. 55, 2015 – authorizes a speed limit reduction on North Audubon Road between East Pleasant Run Parkway South Drive and East Michigan Road (District 21)

September 28, 2015

GENERAL ORDINANCE NO. 56, 2015 – authorizes a speed limit reduction on South Elizabeth Street between Southeastern Avenue and East Troy Avenue (District 25)

GENERAL ORDINANCE NO. 57, 2015 – authorizes parking restrictions on Crown Street, from Hampton Drive to 44th Street (District 8)

GENERAL ORDINANCE NO. 58, 2015 – authorizes a speed limit reduction on South Post Road near the I-74 ramp system (District 25)

GENERAL ORDINANCE NO. 59, 2015 – authorizes parking restrictions on Ritter Avenue from Pleasant Run Parkway South Drive to Bonna Avenue (District 21)

GENERAL ORDINANCE NO. 60, 2015 – authorizes parking restrictions on 10th Street from Emerson Avenue to Arlington Avenue (Districts 10, 17 and 21)

GENERAL ORDINANCE NO. 61, 2015 – authorizes intersection controls on North Hague Road (District 5)

GENERAL ORDINANCE NO. 62, 2015 – authorizes intersection controls on East County Line Road (District 24)

GENERAL ORDINANCE NO. 63, 2015 – amends the Code to prohibit the purchase, sale and possession of replica firearm mobile phone cases

GENERAL RESOLUTION NO. 15, 2015 - approves the statement of benefits for Ingredion, Inc., an applicant for tax abatement for property located in an economic revitalization area

GENERAL RESOLUTION NO. 16, 2015 – approves the restatement of the Marion County Sheriff's Department Personnel Retirement Plan to incorporate three prior amendments and to amend the Plan to comply with recent federal legislation

GENERAL RESOLUTION NO. 17, 2015 – approves the issuance of notes by the Metropolitan Development Commission as part of the HUD Section 108 Loan Guarantee Program to support the Meadows Community Foundation Retail Center

SPECIAL RESOLUTION NO. 39, 2015 – recognizes Engaging Next Generations in Neighborhoods Everywhere and the Purpose Park

SPECIAL RESOLUTION NO. 40, 2015 - recognizes Hope Academy Charter School on its 10th Anniversary

s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor McQuillen moved, seconded by Councillor Lutz, to add Proposal No. 285, 2015, currently under Pending Proposals this evening, to Special Orders-Final Adoption in order to act on it this evening.

PROPOSAL NO. 285, 2015. The proposal, sponsored by Councillor McQuillen, replaces the funding mechanism of Fiscal Ordinance No. 8, 2015 by appropriating \$4.7 million from the City Cumulative Capital Fund and reducing the appropriation in the amount of \$4.7 million from the IMPD General Fund to the Department of Public Safety, Indianapolis Metropolitan Police Department.

President Lewis asked how many votes are needed to place the proposal on the agenda for action. General Counsel Fred Biesecker stated that 15 votes are needed; however, this proposal is scheduled for a hearing before the Public Safety and Criminal Justice Committee on Wednesday of this week, and there have been some amendments prepared in conjunction with the Office of Finance and Management (OFM).

Councillor McQuillen said that this proposal was introduced two weeks ago, and while he understands that the chair decided not to place this item on an already full budget agenda, he feels

proper funding is needed for the Indianapolis Metropolitan Police Department (IMPD) now, and they need to move forward with this.

Councillor Gray encouraged his caucus to oppose the motion and wait to hear amendments in committee.

Councillor Freeman said that he supports the motion, as this has been discussed now for six months. He said that everyone wants \$4.7 million to go to IMPD, and there is no dispute about that. This puts the money in a dedicated fund to spend it properly, and IMPD needs this money now. He said that if this is approved, they could purchase vehicles in October, and it is crazy to continue waiting. If there is a critical amendment needed, they should do it now and move forward.

Bart Brown, Council Chief Financial Officer (CFO), said that the amendments are related to Proposal Nos. 260 and 261, 2015, introduced by Councillor Hunter. By advancing Proposal No. 285, 2015, it puts those two proposal in jeopardy. He said that the idea is not to allow any diversion of funds from appropriations to other uses, and if they create these two funds, then they can move forward.

Councillor McQuillen said that Proposal Nos. 260 and 261, 2015 are independent proposals and not dependent on Proposal No. 285, 2015. He said that the Mayor has already indicated he will sign it if it is passed, and the checks could be cut this week to get IMPD these much-needed funds.

Councillor Moriarty Adams urged fellow Councillors to oppose the motion, as she would like to hear it in committee as scheduled.

The motion to add Proposal No. 285, 2015 to the agenda for action this evening failed on the following roll call vote; viz:

14 YEAS: Cain, Evans, Freeman, Gooden, Holliday, Hunter, Lutz, McHenry, McQuillen, Miller, Pfisterer, Sandlin, Scales, Shreve

15 NAYS: Adamson, Barth, Clay, Gray, Hickman, Jackson, Lewis, Mansfield, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Simpson, Tew

Without further objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of September 14, 2015. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 309, 2015. Councillor Barth reported that the Rules and Public Policy Committee heard Proposal No. 309, 2015 on September 22, 2015. The proposal, sponsored by Councillors Barth and Lewis, reviews the 2016 tax rates, tax levies and budgets of certain civil taxing units and adopts recommendations with respect to such tax rates, levies and budgets. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Mr. Biesecker said that the report is attached to the proposal and if they do not take this action by October 2, 2015, then the Department of Local Government Finance (DLGF) can hold them to last year's budget numbers.

Councillor Lutz said that his private practice represents three of these entities, and while he does not believe he has a real conflict, he would request to abstain to avoid the appearance of a conflict. Consent was given.

Councillor Barth moved, seconded by Councillor Gray, for adoption. Proposal No. 309, 2015 was adopted on the following roll call vote; viz:

26 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Scales, Shreve, Simpson, Tew
0 NAYS:
3 NOT VOTING: Lutz, McQuillen, Sandlin

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 310, 2015. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of Land O'Lakes, Inc. and Winfield Solutions, LLC (d/b/a Sure-Tech Laboratories), an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 311, 2015. Introduced by Councillors Gooden, Gray, Simpson, Lutz, Osili, Adamson, Miller, Hunter and Shreve. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to make various changes regarding parking restrictions to mirror existing parking conditions currently in place (Districts 3, 8, 9, 13, 15, 16, 19, 21 and 23)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 312, 2015. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which ratifies the authorization of loading zones established by the board of public works, located on East Street, near Walnut Street and Market Street (Districts 9 and 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 313, 2015. Introduced by Councillors Gray and Lutz. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves the issuance of Indianapolis-Marion County Public Library General Obligation Bonds in an original aggregate principal amount not to exceed \$2,000,000"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 314, 2015. Introduced by Councillors Gray and Lutz. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which approves the appropriation of proceeds and investment earnings of Indianapolis-Marion County Public Library General Obligation Bonds in an original aggregate principal amount not to exceed \$2,000,000 for the purpose of financing all or any portion of the 2015-2016 RFID Equipment Project"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 315, 2015. Introduced by Councillor Barth. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code by adding a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program"; and the President referred it to the Community Affairs and Education Committee.

President Lewis stated that Councillor Sandlin was in the chamber for the vote on Proposal No. 309, 2015, but did not cast a vote. She asked General Counsel Biesecker if the vote should be taken again. Mr. Biesecker said that this would be acceptable.

Councillor Lewis called for a vote on Proposal No. 309, 2015. The proposal was adopted on the following roll call vote; viz:

27 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Mansfield, Mascari, McHenry, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson, Tew
0 NAYS:
2 NOT VOTING: Lutz, McQuillen

Proposal No. 309, 2015 was retitled SPECIAL RESOLUTION NO. 41, 2015, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 41, 2015

A PROPOSAL FOR A SPECIAL RESOLUTION reviewing the 2016 tax rates, tax levies and budgets of certain civil taxing units and adopting recommendations with respect to such tax rates, levies and budgets.

WHEREAS, IC 6-1.1-17-3.5 requires the City-County Council to review and make recommendations with respect to certain tax rates, tax levies and budgets of certain civil taxing units located in Marion County; and

WHEREAS, the City-County Council has now considered such tax rates, tax levies and budgets for 2016 of such civil taxing units and has considered the recommendations of the City Controller and Chief Financial Officer of the council; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The city-county council has reviewed the budgets of the several civil taxing units listed on Exhibit A, attached to this resolution, and does adopt the recommendations with respect to each respective civil taxing unit as set forth in Exhibit A.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 316-320, 2015 and PROPOSAL NO. 321, 2015. Introduced by Councillor Robinson. Proposal Nos. 316-320, 2015 and Proposal No. 321, 2015 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on September 17, 2015. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 85-90, 2015, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 85, 2015.
2015-ZON-024
1616-1650 NORTH ARLINGTON AVENUE (APPROXIMATE ADDRESS)

September 28, 2015

WARREN TOWNSHIP, CD #17

MILLER'S MERRY MANOR INDIANAPOLIS EAST, LLC, by Thomas H. Engle request Rezoning of 1.2 acres from the D-5 and C-3 districts to the C-1 classification to provide for an approximately 7,000-square foot addition to an existing senior care facility, consisting of a new entrance and drop-off canopy, reception area, therapy room and community room, with additional parking.

REZONING ORDINANCE NO. 86, 2015.

2015-ZON-050

7041 EAST 21ST STREET (APPROXIMATE ADDRESS)

WARREN TOWNSHIP, CD #17

PATRICK ROONEY AND BILL NIEMIER request Rezoning of 1.03 acres from the C-2 district to the C-4 classification.

REZONING ORDINANCE NO. 87, 2015.

2015-ZON-062

2505 NORTH DELAWARE STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #15

JACOB KOENEMAN request Rezoning of 0.06 acre from the D-P district to the D-P classification to provide for a tavern with outdoor seating.

REZONING ORDINANCE NO. 88, 2015.

2015-ZON-067

3734 EAST VERMONT STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, COUNCIL DISTRICT #10

TWG DEVELOPMENT, LLC, by Joseph D. Calderon request Rezoning of 2.77 acres, from the C-S district, to the C-S classification to permit multi-family uses, in addition to the uses permitted by 2010-ZON-098.

REZONING ORDINANCE NO. 89, 2015.

2015-ZON-069

2815 ENGLISH AVENUE

CENTER TOWNSHIP, CD #16

TWG DEVELOPMENT, LLC, by Joseph D. Calderon request Rezoning of 4.18 acres from the D-5 and C-4 districts to the D-10 classification to provide for multi-family uses.

REZONING ORDINANCE NO. 90, 2015.

2015-ZON-046

1220 AND 1410 EAST EPLER AVENUE

PERRY TOWNSHIP, COUNCIL DISTRICT #24

LOCAL UNION NUMBER 18 INTERNATIONAL ASSOCIATION OF HEAT AND FROST

INSULATORS AND ASBESTOS WORKERS / INDIANAPOLIS ASBESTOS WORKERS JOINT

APPRENTICESHIP TRUST FUND, by David and Justin Kingen requests Rezoning of 5.43 acres from the SU-34 District to the C-1 classification.

**SPECIAL ORDERS - PUBLIC HEARING
COMMITTEE OF THE WHOLE COUNCIL
PUBLIC TESTIMONY – BUDGET ORDINANCES**

The President asked the Clerk to read those budget proposals for which public testimony will be accepted this evening. The Clerk stated that public testimony will be accepted on the following: PROPOSAL NO. 262, 2015 - approves the tax levy and rate for the Police Special Service District for 2016. PROPOSAL NO. 263, 2015 - approves the tax levy and rate for the Fire Special Service District for 2016. PROPOSAL NO. 264, 2015 - approves the tax levy and rate for the Solid Waste Collection Special Service District for 2016. PROPOSAL NO. 265, 2015 - adopts the annual budget for the City of Indianapolis and Marion County for 2016. PROPOSAL NO. 278, 2015 - adopts the operating and maintenance budgets and tax levies of the Indianapolis Airport Authority and establishes appropriations for said municipal corporation for 2016. PROPOSAL NO. 279, 2015 - adopts the operating and maintenance budgets and tax levies of the Capital Improvement Board of Managers and establishes appropriations for said municipal

corporation for 2016. PROPOSAL NO. 280, 2015 - adopts the operating and maintenance budgets and tax levies of the Health and Hospital Corporation and establishes appropriations for said municipal corporation for 2016. PROPOSAL NO. 281, 2015 - adopts the operating and maintenance budgets and tax levies of the Indianapolis Public Transportation Corporation (IndyGo) and establishes appropriations for said municipal corporation for 2016. PROPOSAL NO. 282, 2015 - adopts the operating and maintenance budgets and tax levies of the Indianapolis-Marion County Public Library and establishes appropriations for said municipal corporation for 2016.

Kathy Burton, Marion County Alliance of Neighborhood Associations (MCANA), said that she looked at the budget from a citizen's perspective. She thanked OFM for answering their questions, and they are pleased to see that appropriate funding for the Arrestee Processing Center (APC) is finally included in the budget. She urged the Council to provide more funding for professional planning for the Department of Metropolitan Development (DMD) to provide for the long-term interests of this city. She said that it is past time that the Parks budget is included under its own department, instead of being spread out among other departments. She said that no other department is treated this way, and so many of their obligations have gone unfunded because of it. She asked how much this city is on the hook for promises made in the name of economic development, especially when projects do not meet their goals. She added that when taxes or fees are passed by this body, they need to make sure the dollars are used for the purpose intended and advertised to the public.

Alex Gifford, Riverside resident, stated that he would like to see the Parks Department fully funded and under their own budget. He said that parks and monuments are in great disrepair, and it is important for public safety, the environment and the children to allow the department to manage their own funds. He said that they currently have to find volunteers to provide services free of charge to make the parks suitable for public use.

Rick Snyder, president of the FOP, said that they have ongoing concerns about the budget as proposed, as it does not fully fund the needed requirements in Character 01 for the 155 officers hired in 2015, with a net gain of 115 officers in 2016. It also does not provide funding for the proposed 70 officers to be hired next year. He said that the staffing commission recommended 100 new officers next year, but the funds are not even there for the 70 that were actually included in the budget. Mr. Snyder said that City Controller Matt Kimmick said that there was funding in the overall budget, but the Council needs to take steps to make sure those funds are allocated in Character 01. He said that they need to sustain the hiring of these officers. He said that the FOP also submitted their public support for body cameras, but the grant funding did not come to pass, and it does not look good for next year. He said that the union supports increased staffing and more diversity, as well as dedicated funding for professional wellness to provide support for officers who struggle with emotional stress because of the job.

Councillor Adamson thanked Ms. Burton and Mr. Gifford for their remarks regarding the memorials and parks, and he asked Ms. Burton to send him a copy of her remarks.

Councillor Miller said that it is important to get funding for the maintenance of streets or they are wasting the repaving money they are spending.

PROPOSAL NO. 123, 2015. The proposal, sponsored by Councillor Robinson, is a rezoning ordinance for Center Township, District 19, 340 South White River Parkway, West Drive (2014-CZN-835). The proposal was called out for public hearing on May 11, 2015 by Councillor Miller

and then postponed by the Council on May 11, June 8, July 13, August 17, and September 14, 2015.

Councillor Miller made the following motion:

Madam President:

The petitioners continue to negotiate a resolution of the rezoning case at 340 South White River Parkway, West Drive, and petitioner has consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 123, 2015 (Rezoning Docket No. 2014-CZN-835) be postponed and rescheduled for October 12, 2015.

Councillor Adamson seconded the motion, and Proposal No. 123, 2015 was postponed by a voice vote, with Councillor Gray casting the negative vote. Councillor Gray asked how long this postponement can continue to go on. Mr. Biesecker said that the proposal is the zoning linked to Proposal No. 43, 2015, and according to the Council's six-month rule, Proposal No. 43, 2015 is due to fall off the calendar if not acted on by the October 12, 2015 meeting.

SPECIAL ORDERS - UNFINISHED BUSINESS

PROPOSAL NO. 218, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 218, 2015 on July 27 and August 31, 2015. The proposal received an indecisive vote of 14-14 in Council on September 14, 2015. The proposal, sponsored by Councillors Robinson, Adamson, Barth and Moriarty Adams, amends the Code by adding a new chapter establishing the Indianapolis-Marion County Community Benefit Program. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Jackson asked for consent to abstain to avoid the appearance of a conflict of interest. Consent was given.

Councillor Robinson moved, seconded by Councillor Adamson, for adoption. Proposal No. 218, 2015 failed on the following roll call vote; viz:

10 YEAS: Adamson, Barth, Hickman, Lewis, Mascari, Moriarty Adams, Oliver, Osili, Robinson, Tew

17 NAYS: Cain, Clay, Evans, Freeman, Gooden, Gray, Holliday, Hunter, Lutz, Mansfield, McHenry, Miller, Pfisterer, Sandlin, Scales, Shreve, Simpson

2 NOT VOTING: Jackson, McQuillen

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 217, 2015. Councillor Robinson reported that the Metropolitan and Economic Development Committee heard Proposal No. 217, 2015 on July 27, August 31 and September 21, 2015. The proposal, sponsored by Councillors Gooden and Hunter, amends the Code by repealing the existing Zoning Ordinance and Subdivision Control Ordinance and adopts a new consolidated Zoning and Subdivision Control Ordinance (Indy Rezone) and fixes a time when the same shall take effect. By a 4-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Miller made the following motion:

Madam President:

I move to further amend the exhibit attached to Proposal 217, 2015, as amended, as follows:

Amendment 1. Sec. 740-402B be amended by adding the underlined text to read as follows:

All outdoor landscaping, fencing, lighting, parking areas, outdoor equipment, or other items including without limitation playground equipment, dumpster enclosures, outdoor display and sales areas, recycling collection points, street furniture, recreational facilities, and art installations, that are required by the zoning ordinance or located in a common area or otherwise available to the public, shall be maintained in a safe, serviceable, and rust-free condition by the owner of the property on which they are located.

Amendment 2. Sec. 740-1002 be amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Section 02. Jurisdiction

A. The Commission may institute a suit for injunctive and monetary relief in the ~~municipal~~, circuit, or superior courts of Marion County, Indiana; such suit is to brought in the name of and captioned as "The Metropolitan Development Commission of Marion County, Indiana," versus the person, persons or entity charged with violating the provisions of any ~~Code~~ zoning ordinance or land use regulations of Marion County, Indiana.

B. The Commission may also institute a suit for mandatory injunction directing a person, persons or entity to remove a structure erected in violation of any ~~Codes~~ zoning ordinance or land use regulations of Marion County, Indiana.

~~**C.** A structure erected, raised, or converted, or land or premises used in violation of any zoning or land use ordinance of Marion County, Indiana, shall and hereby is declared to be a common nuisance and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to IC 36-7-4-1012.~~

Amendment 3: Sec. 740-1004A1 be amended by deleting the stricken-through text and inserting the underlined text to read as follows:

1. Site improvement is occurring without an Improvement Location Permit ~~or any other permit required by a Code~~ having first been obtained;

Amendment 4: Sec. 740-1005A7 be amended by deleting the stricken-through text to read as follows:

7. The conduct of any ~~activity use~~ in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district, and which ~~activity use~~ has not been legally established by a currently valid variance, special exception or other approval grant;

Amendment 5: Sec. 741-303D be amended by deleting the stricken-through text and inserting the underlined text to read as follows:

D. Cul-de-sacs

1. In the Metro Context Area, cul-de-sac lengths shall not exceed ~~400~~ 500 feet or serve more than 20 dwelling units. In the Compact Context Area, cul-de-sac lengths shall not exceed 300 feet or serve more than 20 dwelling units. A cul-de-sac's length shall be measured from the center point of the cul-de-sac bulb or turn-around to the centerline of the right-of-way of the nearest intersecting through street.

2. Maximum cul-de-sac length may be increased by an additional ~~150~~ 50 feet up to a maximum of 550 feet if the Committee determines that it is impractical to connect the street to another street or to provide a looped street or other means of access that would avoid the cul-de-sac or allow the cul-de-sac to meet the length limit because:

- a. The area is separated from other parts of the subdivision or a possible street connection by floodways, jurisdictional wetlands, or steep slopes greater than 10% or other natural resource areas; and
- b. Other properties adjoining the area have already been subdivided or developed in a manner that precludes connecting the cul-de-sac to an existing or proposed street.

Amendment 6: Sec. 743-302A be amended by deleting the stricken-through text and inserting the underlined text to read as follows:

A. Single-family Detached Dwelling

Each unit with an attached garage established after January 1, 2016 ~~must~~ may, but are not required to, incorporate the following components:

1. At least one means of entering the dwelling unit through a doorway with at least 34 inches of clearance width without a vertical step between that doorway and the perimeter sidewalk, driveway, or garage floor; and
2. At least one toilet on the ground floor with a doorway with at least 34 inches of clearance width.

Councillor McQuillen seconded the motion.

Councillor Oliver said that asked if there are any penalties now that Section 2 is crossed out. Maury Plambeck, DMD, stated that these are not used by prosecutors, and this language simply reflects how the Office of Corporation Counsel (OCC) prosecutes. They use state law to enforce these issues, not the zoning ordinance. He said that the city prosecutor does not object to this change, as they base their violations on state statute and do not use the local ordinance to enforce.

Proposal No. 217, 2015 was amended on the following roll call vote; viz:

29 YEAS: Adamson, Barth, Cain, Clay, Evans, Freeman, Gooden, Gray, Hickman, Holliday, Hunter, Jackson, Lewis, Lutz, Mansfield, Mascari, McHenry, McQuillen, Miller, Moriarty, Adams, Oliver, Osili, Pfisterer, Robinson, Sandlin, Scales, Shreve, Simpson
0 NAYS:

Councillor Freeman said that he started downloading this ordinance at 7:04 p.m. and cannot even pull it all up yet, as it is over 700 pages long. He said that he has major concerns about a lot of this, including government employees being allowed onto property for inspections without consent. This also encourages the public rights-of-way to be used for public transportation or electric transportation, and he has reservations that this is an end-way around the Blue Indy program. He said that so much has been added and tweaked, and doing something this big at the last hour of this administration is not smart. He said that it is his understanding that if this Council takes no action, this will pass; therefore, he moved, seconded by Councillor Lutz, to reject Proposal No. 217, 2015.

Mr. Biesecker agreed that if they take no action, the originally certified proposal goes into affect, with none of the amendments made by committee or this Council. He said that to adopt it as amended, the proposal requires at least 18 votes to pass according to statute. In order to reject the proposal, it would also take 18 votes.

Councillor Adamson said that this has been a very long and deliberate process, and many individuals and neighborhood groups have been involved in this. He said that, as he understands it, they are actually condensing this from the current code, and therefore, 700 pages is more efficient. Mr. Plambeck said that there are 14 different zoning ordinances today, and they have combined them all into this one ordinance. It is over 700 pages because of footnotes to indicate where changes were made, and the actual final ordinance will not include those notes. He said that the draft has been available for over a year and a half, and every change that has been made can be seen in the footnotes. Councillor Adamson said that a lot of work and time has gone into this and he commended DMD in including the community in this process. He asked if this includes any consideration for Blue Indy, as Councillor Freeman alluded to. Mr. Plambeck said that Councillor Freeman referenced page 591, adjustments to off-street parking, which applies to older parts of the city not already developed with parking. Now, there will be variances for parking in neighborhoods where there is no parking in front of businesses. The idea is to have less parking, and this provides incentives to allow electrical charging stations in order to provide

less parking spaces. He said that this is related to off-street parking only and has nothing to do with on-street parking, like the Blue Indy program.

Councillor Miller said that if this does not pass, then they need to immediately extend the recent moratorium on new gas stations, as that legislation indicated the moratorium would be in place until Rezone Indy was adopted. He said that meetings have been going on for years, and this matter has been before the Council for 90 days. The fact that some people are sending out e-mails at the eleventh hours is disrespectful to the work that has been done. He said that they can always come back and make more changes and ask the Metropolitan Development Commission (MDC) to reconsider the matter. He said that it is not the end of the world if this ordinance passes as it is.

Councillor Sandlin said that if it passes, it goes back to the MDC with the changes, and this body no longer has an opportunity to change anything beyond what is there. He said that he is not in favor of doing that and he supports rejecting the proposal so that they can refine the process and get it right. He said he doubts many on this body have thoroughly read all 700+ pages, and they should not vote on something they have not fully vetted.

Councillor Freeman said that he appreciates Mr. Plambeck's interpretation, but he is not happy with the way the Vision Fleet and Blue Indy programs have worked so far, and he is afraid this will cause more issues. The only people who will win this evening if this ordinance passes are lawyers who provide land-use services, as they will get increased business. He encouraged his colleagues to vote to reject the proposal.

Councillor Hunter asked his colleagues not to reject the proposal. He said that this has been a long three to four year process with a lot of public input. They are combining 14 different ordinances into one, and the variance process is still there. He said that at least two of the changes included in the footnotes, he requested, and he asked his colleagues to support the proposal.

The motion to reject Proposal No. 217, 2015 failed on the following roll call vote; viz:

10 YEAS: Cain, Evans, Freeman, Hickman, Holliday, Lutz, McHenry, McQuillen, Sandlin, Scales
19 NAYS: Adamson, Barth, Clay, Gooden, Gray, Hunter, Jackson, Lewis, Mansfield, Mascari, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Shreve, Simpson, Tew

Councillor Osili asked for a verification regarding urban gardens and what is currently legal. Mr. Plambeck said that anything legal today will be legal going forward, as they cannot take away any right with zoning law, and non-conforming rights will be grandfathered in. He said that non-conforming uses going forward will be proved with aerial photography and affidavits from neighbors, the same as they are now.

Councillor Lutz asked if there is a cost to establish a non-conforming use. Mr. Plambeck said that there is not in this ordinance, but might have been according to the 1969 ordinances.

Councillor McHenry asked what happens when a farm property is sold to another. Mr. Plambeck said that zoning is applied to the property, not the owner, so the zoning would not change.

Councillor Simpson asked if this would legitimize the Blue Indy charging stations. Mr. Plambeck said that there has been no discussion regarding anything to do with Blue Indy, and this deals

with off-street parking, not parking on the street. Councillor Adamson said that he is glad to hear this, as there is now way he would support anything that legalized any portion of Blue Indy.

Councillor Lutz asked what happens to this if it does not pass. Mr. Biesecker said that the MDC has 45 days to accept or reject any amendments made by the Council. They intend to hear those on October 7, 2015. He said that they could reject the amendments and then come back to the Council for a confirmatory vote. If the Council takes no action, the zoning ordinance would pass as originally certified to the Council, without the amendments.

President Lewis reminded members that this ordinance requires 18 votes for passage.

Councillor Adamson moved, seconded by Councillor Miller, for adoption. Proposal No. 217, 2015 was adopted on the following roll call vote; viz:

20 YEAS: Adamson, Barth, Clay, Evans, Gooden, Gray, Hunter, Jackson, Lewis, Mansfield, Mascari, Miller, Moriarty Adams, Oliver, Osili, Pfisterer, Robinson, Shreve, Simpson, Tew
9 NAYS: Cain, Freeman, Hickman, Holliday, Lutz, McHenry, McQuillen, Sandlin, Scales

Proposal No. 217, 2015 was retitled GENERAL ORDINANCE NO. 64, 2015, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 64, 2015

PROPOSAL FOR A GENERAL ORDINANCE to amend portions of the “Revised Code of the Consolidated City and County” with repeal of the existing Zoning Ordinance and Subdivision Control Ordinance and the adoption of a new consolidated Zoning and Subdivision Control Ordinance (commonly known as Indy Rezone) of Marion County, Indiana and fixing a time when the same shall take effect.

WHEREAS, the planning staff of the Department of Metropolitan Development has worked with community groups, the development community and other stakeholder for over three years to develop a comprehensive rewrite of the zoning ordinances; and

WHEREAS, IC 36-7-4 established the Metropolitan Development Commission of Marion County, Indiana (MDC), as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purpose of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The text of Chapter 730 Zoning – General Provisions; Chapter 731 Dwelling Zoning Districts; Chapter 732 Zoning – Commercial Districts; Chapter 733 Zoning – Industrial Commercial Districts; Chapter 734 Sign Regulations; and Chapter 735 Zoning – Other Districts of the Revised Code of the Consolidated City of Indianapolis – Marion County hereby are repealed.

SECTION 2. The “Revised Code of the Consolidated City and County” hereby is amended, pursuant to IC 36-7-4, by the addition of Chapter 740 General Provisions, Chapter 741 Subdivision Regulations, Chapter 742 Districts, Chapter 743 Use and Use-Specific Standards, and Chapter 744 Development Standards with the language reflected in the Exhibit hereto entitled “Consolidated Zoning / Subdivision Ordinance 6/1/15.”

SECTION 3. The symbols on the Official Zoning Map of the City of Indianapolis-Marion County hereby are changed as follows: D-12 shall be D-5; C-2 shall be MU-1; C-3C shall be MU-2; C-6 shall be C-4; C-ID shall be C-7; I-1-S and I-1-U shall be I-1; I-2-U and I-2-S shall be I-2; I-3-U and I-3-S shall be I-3, I-4-U and I-4-S shall be I-4; “A” shall be SU-46.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect the first day of the month that is six months after the date of adoption.

NEW BUSINESS

Councillor Gray announced that State Representative Bill Crawford's wake will take place from 11:00 a.m. to 8:00 p.m. on Thursday at the Statehouse. He said that the funeral will be Friday at 11:00 a.m. at Eastern Star Baptist Church.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of William "Bill" Crawford, Lawrence M. Reuben, and Mary Ballard; and
- (2) Councillors Pfisterer and Moriarty Adams in memory of Richard T. Flaherty; and
- (3) Councillor Holliday in memory of Willard T. Rosebrough; and
- (4) Councillor Pfisterer in memory of Rosemary Lambert.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of William "Bill" Crawford, Lawrence M. Reuben, Mary Ballard, Richard T. Flaherty, Willard T. Rosebrough, and Rosemary Lambert. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:17 p.m.

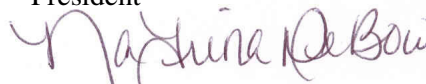
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 28th day of September, 2015.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)